

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 10 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of the Subscriber Carrier
Selection Changes Provisions of the
Telecommunications Act of 1996)

GTE Service Corporation, GTE North
Incorporated and GTE Communications
Corporation's Petition for Waiver)

DOCKET FILE COPY ORIGINAL

CC Docket No. 94-129

GTE'S PETITION FOR WAIVER

Pursuant to Section 1.3 of the Commission's Rules, GTE Service Corporation, on behalf of its affiliated companies GTE North Incorporated ("GTE North") and GTE Communications Corporation ("GTECC") (collectively "GTE"), respectfully requests a waiver of Section 64.1190 of the Commission's Rules, 47 C.F.R. §64.1190, "Preferred Carrier Freezes," for good cause shown. This waiver is necessary to allow certain "PIC restricted" customers to continue to receive interLATA Long Distance Service in a seamless manner.

1. GTECC is currently in the process of discontinuing voice services (switched and dedicated) in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia in preparation for GTE's merger with Bell Atlantic Corporation. Discontinuance is necessary as GTECC will become an affiliate of Bell Atlantic upon merger close and will become subject to statutory prohibitions restricting

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the provision of originating interLATA services in those states. Filings were made with the state commissions and the FCC to accomplish this activity by approximately the end of March 2000.¹

2. GTECC has taken numerous steps to advise customers that service will be discontinued at the end of March 2000 that far surpass the requirements contained in Section 63.71 of the Commission's Rules. Specifically, all customers received at least two stand alone letters informing them of the service discontinuance, which provided information on the steps to take to secure a new long distance carrier (including a reminder to have PIC restrictions removed) with a coupon for the customer to use to defray the cost of switching to another long distance carrier. In addition, a separate bill messages was sent advising customers of the situation and requesting them to take action. Finally, all PIC restricted customers were sent a separate postcard advising them of the situation and requesting them to change carriers. Copies of these documents are attached. (Attachment A).

3. In order to make the discontinuance as seamless as possible for those customers who did not take unilateral action in response to the notice to change carriers, GTECC entered into a Customer Transition Agreement with Sprint Corporation. Under this Agreement, any customer who did not select another carrier would automatically be transferred to Sprint Communications Company L.P. ("Sprint") as of

¹ GTECC filed a Section 63.71 Application To Discontinue Service with the FCC on March 1, 2000. See FCC Public Notice 98089, released March 2, 2000. That Application became effective on April 2, 2000.

March 31, 2000. To facilitate the transfer of subscribers who failed to chose a new presubscribed carrier, the FCC granted Sprint a waiver to permit Sprint to transfer those customers to Sprint's customer base without first obtaining the subscriber's authorization and verification.² Accordingly, GTECC transferred non-responding, non-PIC restricted customers to Sprint as of the end of March, 2000.

4. However, certain GTECC customers have a PIC restriction that does not permit a carrier change without a subscriber's written authorization. Approximately 10,000 PIC restricted customers failed to change carriers by the end of March. The vast majority of these customers are in Pennsylvania and Virginia, served by the local exchange carrier, GTE North. As a result, GTECC temporarily halted its actions to have GTE Long Distance ("GTELD") carrier identification codes ("CICs") removed from GTE North's central offices in the affected states. This allowed the PIC restricted customers to continue to have service until one additional "live" phone call to those customers could be made by Sprint. (Sprint has independently made up to two efforts per customer both by calls and letters to urge the necessary action.)

5. GTE advised the Pennsylvania Public Utilities Commission ("PPUC") of its efforts on the morning of April 7, 2000. The PPUC was not satisfied with the final "live" notice and did not want any customers to be without 1+ service for any period of time. The PPUC entered an Emergency Order during the afternoon of April 7, 2000 declaring the

² *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Sprint Communications Company, L.P. Petition for Waivers*, CC Docket No. 94-129, Order (March 17, 2000).

disruption of long distance service to constitute a clear and present danger to life or property which required immediate action. The PPUC ordered GTE not to terminate long distance service until the customers were transferred to another carrier or the PPUC approved an application to abandon long distance service. A copy of the order is attached. (Attachment B).

6. The FCC rules pertaining to the transfer of long distance customers are contained in Section 64.1190 entitled Preferred Carrier Freezes.³ Section 64.1190 provides as follows:

- (e) Procedures for lifting preferred carrier freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

- (1) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

³ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Further Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 10674 (1997), Second Report and Order and Further Notice of Proposed Rule Making, 14 FCC Rcd 1508 (1998) (*Section 258 Order*); *Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, Report and Order, 10 FCC Rcd 9560 (1995), *stayed in part*, 11 FCC Rcd 856(1995); *Policies and Rules Concerning Changing Long Distance Carriers*, CC Docket No. 91-64, 7 FCC Rcd 1038(1992), reconsideration denied, 8 FCC Rcd 3215 (1993) (*PIC Change Recon. Order*); *Investigation of Access and Divestiture Related Tariffs*, CC Docket No. 83-1145, Phase I, 101 F.C.C.2d 911 (*Allocation Order*), 101 F.C.C.2d 935(*Waiver Order*), reconsideration denied, 102 F.C.C.2d 503 (1985) (*Reconsideration Order*) (the *Reconsideration Order* denied reconsideration of both the *Allocation Order* and the *Waiver Order*).

(2) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the subscriber's intent to lift the particular freeze.

GTE requests a waiver of these requirements so it may transfer the PIC restricted customers to Sprint in the same manner applicable to non-PIC restricted customers.

7. GTECC has made every reasonable effort to rectify the situation while adhering to the above rule. After up to six notices, it is obvious that a certain small percentage of the PIC restricted customers are not going to take unilateral action to change carriers. Upon GTELD's termination of service, these customers would be unable to make a 1+ call. The only alternative available to these customers upon discontinuance will be 10XXX dialing or calling card dialing. Many customers are unaware that the 10XXX option exists. Moreover, the PPUC has found this to be an unacceptable result and has declared it to be a clear and present danger to life or property. For the foregoing good cause shown, GTE requests a waiver of this rule to allow the seamless transfer of these PIC restricted customers to Sprint, notwithstanding the PIC restriction.

8. The Commission's rules may be waived for good cause shown.⁴ GTE has pled its waiver request with particularity stating the facts and circumstances that warrant a

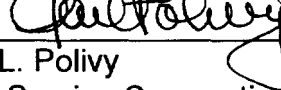
⁴ 47 C.F.R §1.3.

waiver of the rule. This showing gives the Commission the basis to grant a waiver of the rule based on equity and the implementation of overall policy on an individual basis.⁵ Moreover, the Commission may exercise its discretion to waive a rule when its terms are inconsistent with the public interest based on the specific circumstance.⁶

Wherefore, GTE requests a waiver of Rule 64.1190 to allow a transfer of the PIC restricted customers to Sprint as was previously authorized for non-PIC restricted customers in *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Sprint Communications Company, L.P. Petition for Waivers*, CC Docket No. 94-129, Order (March 17, 2000).

Respectfully submitted,

GTE SERVICE CORPORATION,
on behalf of its affiliated companies,
GTE North Incorporated and
GTE Communications Corporation

By: 
Gail L. Polivy
GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036
(202) 463-5214

Thomas R. Parker
GTE Service Corporation
600 Hidden Ridge, HQE03J43
P. O. Box 152092
Irving, Texas 75015-2092
(972) 718-6361

April 10, 2000

Its Attorneys

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C.Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F. 2d 1164, 1166 (D.C. Cir. 1990).

Attachment A



GTE Long Distance

6665 N. MacArthur Blvd.
Irving, TX 75039

PLEASE SELECT A NEW
LONG DISTANCE CARRIER
BY MARCH 20.



John Q. Sample
1845 Woodall Rodgers 11th Floor
Dallas, TX 75201
||..|.|.|.|.|.|.....||

**GTE LONG DISTANCE
WILL NO LONGER PROVIDE
LONG-HAUL OR INTERSTATE SERVICE
IN YOUR STATE.**

Dear GTE Customer:

As of March 30, GTE Long Distance will no longer provide long-haul or interstate long distance service in your area. GTE is merging with Bell Atlantic and, as a result, will be subject to regulatory requirements that currently prohibit the new company from providing long-haul or interstate long distance service in some states. The new company will be working to receive the required approvals that will allow us to offer long-haul or interstate long distance service in your area again soon.

**SERVICES AFFECTED:
LONG-HAUL OR
INTERSTATE SERVICE,
800 TOLL-FREE SERVICE
AND CALLING CARDS**

What does this mean to you? It means you will want to select a new long distance carrier by March 20, 2000. You also will want to secure another provider for your calling cards and toll-free services provided by GTE Long Distance.

PLEASE CHOOSE
A NEW COMPANY
FOR THESE SERVICES
BY MARCH 20, 2000

Please note, your local and local toll services, provided through your local GTE company, will continue without interruption.

**THIS CHANGE DOES
NOT AFFECT YOUR
LOCAL SERVICE**

Here are the simple steps you should take now to secure a new long distance company:

1. Use the enclosed information sheet to help you select the new long-haul and interstate long distance company of your choice. When you call a long distance company, ask about calling plans and other long distance services you need, such as calling cards and toll-free services.

**THIS CHANGE DOES
NOT AFFECT YOUR
LOCAL TOLL SERVICE**

If you have a long distance company change restriction on your phone lines, please call your GTE local phone company to remove the

FOR QUESTIONS CALL
1-877-483-6998 OR VISIT
www.gte.com/LDCHANGE

Continued on reverse

1st letter

restriction. This will help assure that your service will be transferred to a new company without interruption.

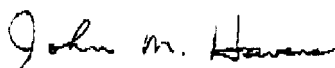
2. Be sure to switch by March 20, 2000. If you have not selected a provider by that date, we have made arrangements for Sprint to become your long distance carrier (pending regulatory approval). This will ensure no disruption to your service.

3. We have enclosed a coupon to defray the cost of switching to another long distance company. Just enclose the coupon in your next local telephone bill and simply deduct the coupon from the total you pay.

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the §63.71 Application of GTE Communications Corporation. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are CT, DE, MA, MD, ME, NH, NJ, PA, RI, VA, VT, WV, as well as Washington DC.

It has been a pleasure to serve you and we hope to be able to offer you long distance service again in the future. Please call 1-877-483-6998 if you have questions.

Sincerely,



John M. Havens
Assistant Vice President - GTE Long Distance



REIMBURSEMENT COUPON

Not redeemable for cash. Good only for telephone charges.

Extended Page
9090081103
213

LONG DISTANCE

Thirty and 00/100 Dollars

Pay to the order of:

VOID

GTE Network Services or the Local Telephone Company

VOID

\$ 30.00

Expires 90 days
from date of issue.

Gregory D. Jacobson,
Treasurer

⑈9090081103⑈ ⑈021309379⑈601829955⑈

|| CUSTOMER TIPS ||

When making your choice of a new long distance company, remember that the best

plan for you will be based on your specific calling habits including:

- How much you spend on long distance per month
- What days and time of day you call (for example, evenings and weekends)
- Where you call most often (state-to-state, in-state or internationally)
- What additional long distance services you prefer, such as a calling card and personal 800 number



If you still have questions, please call toll-free 1-800-699-6610.

LONG DISTANCE

|| FOR UNINTERRUPTED LONG DISTANCE SERVICE, ACT NOW. ||

Select a new long distance company by March 20, 2000.

For your convenience, here are the toll-free telephone numbers of several major long distance companies and their website addresses.

Or go to www.gte.com/LDCHANGE where you'll find a more comprehensive list of long distance companies.

	AT&T	MCI/Worldcom	Sprint
Call	1-800-222-0300	1-800-950-5555	1-800-746-3767
Visit	www.att.com	www.wcom.com	www.sprint.com

For helpful customer tips to select the best plan for your individual calling needs, please see the reverse side.

11007 2 - KAS - VI



GTE Long Distance

6665 N. MacArthur Blvd.
Irving, TX 75039

**PLEASE SELECT A NEW
LONG DISTANCE CARRIER
BY MARCH 20.**

11007 2 - KAS - VI

John Q. Sample
1845 Woodall Rodgers
Dallas, TX 75201
H...ll...lll...lll

**GTE LONG DISTANCE
WILL NO LONGER PROVIDE
LONG-HAUL OR INTERSTATE SERVICE
IN YOUR STATE.**

Dear John Q. Sample:

As of March 30, GTE Long Distance will no longer provide long-haul or interstate long distance service in your area. GTE is merging with Bell Atlantic and, as a result, will be subject to regulatory requirements that currently prohibit the new company from providing long-haul or interstate long distance service in some states. The new company will be working to receive the required approvals that will allow us to offer long-haul or interstate long distance service in your area again soon.

What does this mean to you? It means you will want to select a new long distance carrier by March 20, 2000. You also will want to secure another provider for your calling cards and toll-free services provided by GTE Long Distance.

Please note, your local and local toll services, provided through your local GTE company, will continue without interruption.

Here are the simple steps you should take now to secure a new long distance company:

1. Use the enclosed information sheet to help you select the new long-haul and interstate long distance company of your choice. When you call a long distance company, ask about calling plans and other long distance services you need, such as calling cards and toll-free services.

If you have a long distance company change restriction on your phone lines, please call your GTE local phone company to remove the

Continued on reverse

**SERVICES AFFECTED:
LONG-HAUL OR
INTERSTATE SERVICE,
800 TOLL-FREE SERVICE
AND CALLING CARDS**

**PLEASE CHOOSE
A NEW COMPANY
FOR THESE SERVICES
BY MARCH 20, 2000**

**THIS CHANGE DOES
NOT AFFECT YOUR
LOCAL SERVICE**

**THIS CHANGE DOES
NOT AFFECT YOUR
LOCAL TOLL SERVICE**

**FOR QUESTIONS CALL
1-800-699-6610 OR VISIT
www.gte.com/LDCHANGE**

2nd letter

restriction. This will help assure that your service will be transferred to a new company without interruption.

2. Be sure to switch by March 20, 2000. If you have not selected a provider by that date, we have made arrangements for Sprint to become your long distance carrier (pending regulatory approval). This will ensure no disruption to your service.

The Federal Communications Commission (FCC) will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the §63.71 Application of GTE Communications Corporation. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service. The states affected by this change are CT, DE, MA, MD, ME, NH, NJ, PA, RI, VA, VT, WV, as well as Washington DC.

It has been a pleasure to serve you and we hope to be able to offer you long distance service again in the future. Please call **1-800-699-6610** if you have questions.

Sincerely,



John M. Havens
Assistant Vice President - GTE Long Distance

For Residence Customers – In and Out of Franchise:

Please select a new long distance carrier by March 20.

As of March 30, GTE Long Distance will no longer provide service in your area. GTE is merging with Bell Atlantic and, as a result, will be subject to regulatory requirements that currently prohibit us from providing long distance service in some states.

Please select a new long distance company by March 20, 2000. If you do not select a new company by that date, we have made arrangements for Sprint to become your long distance carrier (pending regulatory approval.)

Questions? Please call 1-800-699-6610 or visit our website at www.gte.com/LDchange.

For Business Customers – In and Out of Franchise:

Please select a new long distance carrier by March 20.

As of March 30, GTE Long Distance will no longer provide service in your area. GTE is merging with Bell Atlantic and, as a result, will be subject to regulatory requirements that currently prohibit us from providing long distance service in some states.

Please select a new long distance company by March 20, 2000. If you do not select a new company by that date, we have made arrangements for Sprint to become your long distance carrier (pending regulatory approval.)

Questions? Please call toll free 1-877-483-6998 or visit our website at www.gte.com/LDchange.

Bill Insert/Message

APR -10' 00 (MON) 10:05
A Apr. 7 2000 ; 3 51PM

GTE REGULATORY
AGTE PA EXTERNAL AFPS, Pa.

TEL:9727183405

Attachment B



**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
April 7, 2000**

NO COPY PLEASE
SEND TO R&M FILE

**A-310200F0002, A-310222F0002
A-310291F0003, A-311350F0002**

**JOHN O DUDLEY ASST VP REG/GOV AFFAIRS
GTE NORTH INC
PO BOX 12060
212 LOCUST STREET SUITE 600
HARRISBURG PA 17108**

In Re: GTE North, Inc.

To Whom It May Concern:

This is to advise you that Chairman John M. Quain has signed an Emergency Order on April 7, 2000 in the above-entitled proceeding.

An Emergency Order has been enclosed for your records.

Very truly yours,


**James J. McNulty
Secretary**

**Certified Mail
Receipt Requested**

JEP

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3165**

In Re: GTE North, Inc.

A-310200, F0002
A-310222, F0002
A-310291, F0003
A-311350, F0002

EMERGENCY ORDER

On November 4, 1999, the Commission adopted a Merger Order approving the merger of Bell Atlantic Corporation (BAC) and GTE Corporation (GTEC). The merger was also subject to conditions imposed upon the companies by the Federal Communications Commission (FCC).

On April 7, 2000, GTE North, Inc. (GTE), the jurisdictional affiliate of GTEC, represented to the Commission that GTE is ceasing long distance service within the Commonwealth on April 10, 2000. GTE further represented that it had provided notice that it was exiting the long distance market to its customers and advised them of the need to select a new long distance carrier. GTE asserts that there are, to date, approximately 2000 customers under a PIC Freeze who have not chosen a new long distance carrier. If GTE exits the long distance market on April 10, 2000, these customers will have no long distance carrier and will find their long distance service disrupted.

Upon consideration of the representations made on April 7, 2000, by GTE, I find that there exists a situation (i.e., the disruption of long distance service to approximately 2000 customers) that could present a clear and present danger to life or property and which, therefore, requires immediate action; **THEREFORE,**

It is hereby ORDERED:

1. That GTE North, Inc., in its own capacity or as an affiliate of GTE Corporation shall not terminate long distance service for any of these approximately 2000 customers unless and until GTE switches the customer to another carrier with customer consent or the Commission has approved an application to abandon long distance service.
2. That GTE shall work with the Office of Consumer Advocate and the Commission's Bureau of Consumer Services to ensure a coordinated transfer of service for the affected customers.
3. That the failure of GTE, or its affiliate(s) to abide by this Emergency Order shall constitute an on-going violation of 66 Pa. C.S. §3301 for each customer impacted by said failure.
4. That a copy of this Emergency Order shall be served upon GTE via facsimile machine and confirmed by certified mail.
5. That a copy of this Emergency Order shall also be served upon all Commissioners, the Executive Director, and the Office of Administrative Law Judge, and the Emergency Order shall be ratified at the next regularly scheduled Public Meeting of the Commission.

4-7-00 4:10 pm
Date & Time

